

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.1770 OF 1998

Date: 29-03-2007

Between:

The Chief Engineer, Irrigation
and two others

...Petitioners

and

J.Venkateswarulu and another

...Respondents

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.1770 OF 1998

ORDER:

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This writ petition has been instituted questioning the correctness of an award passed by the Industrial Tribunal-*cum*-Labour Court, Anantapur, in I.D.No.111 of 1994 on 28-08-1997. All that the Industrial Tribunal-*cum*-Labour Court ordered in its award was to direct the Superintending Engineer, Srisailam, West Srisailam Project to regularize the services of the Watchman-workman before it, in accordance with the conditions stipulated by the State Government in their G.O.Ms.No.193, General Administration (Services-A) Department, dated 14-03-1990.

The State Government appears to have undertaken a comprehensive review of the policy and procedure of recruitment to the various State and subordinate services as well as various civil posts under the State. As a result of this comprehensive study, Government has decided to evolve a scheme for regularization of daily wage appointments made against civil posts in regular scales of pay. Hence, the Government directed the services of the persons appointed on temporary basis or on daily wage basis and continuing as such on the date of issue of said orders in G.O.Ms.No.193, dated 14-03-1990, to be regularized subject to fulfilling various conditions stipulated therein. It is not in dispute that the first respondent-workman in this writ petition is one such employee, who is otherwise entitled to have his services regularized as a Watchman in terms of the scheme evolved under

G.O.Ms.No.193 by the State Government, but for, the objection raised that at the time of his appointment, the appointing authority had not obtained orders of the Government specifically duly relaxing the ban imposed on the appointments by the State Government and this being condition No.8 of the several conditions, that have been stipulated in G.O.Ms.No.193, the petitioners herein felt that the case of the first respondent-workman could not be regularized as a Watchman. In those set of circumstances, they have declined to regularize the services of the first respondent-workman. The Tribunal had exercised its discretion and found that for regularizing the services of a Watchman, the condition stipulated in condition No.8 of G.O.Ms.No.193 that there should be a specific order from the Government duly relaxing the ban on appointments should not come in the way of regularizing the services, for, the post of a Watchman in an Irrigation Project work is too insignificant a civil post for the State Government to be troubled or bothered to specifically consider granting relaxation of the ban imposed by them on recruitments. When once it has been considered essential to engage the services of the first respondent-workman as a Watchman and the watch and ward staff are considered to be essentially required for keeping guard and vigilance over the Departmental stores at the Project site, it is only appropriate that it should be implied that the State Government had accorded the necessary permission contemplated by clause No.8 contained in G.O.Ms.No.193. When once it is not in dispute that all other stipulations contained in G.O.Ms.No.193 are satisfied and met with in the case of the first respondent-workman, it is not proper or fair for the petitioners herein to deny the benefit of regularization of the services under the benevolent scheme evolved by the State Government as a policy measure and announced through their

G.O.Ms.No.193.

In these set of circumstances, I do not find that the exercise of discretion indulged in by the Industrial Tribunal-*cum*-Labour Court to be either irrational or perverse or arbitrary warranting interference and consequently, I dismiss this writ petition. However, there shall be no order as to costs.

(Nooty Ramamohana Rao,J)

Dated 29th March, 2007

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